


MEMORANDUM

Date: December 28, 2004 ✓

To: Marc E. Bookbinder
TQAS, Tech Center 2100

From: Dale M. Shaw 
Program and Resource Administrator
Board of Patent Appeals and Interferences

Subject: Order Returning Undocketed Appeal to Examiner

On November 24, 2004, the Board mailed an Order Returning Undocketed Appeal wherein the Board ordered the examiner to clarify for the record as to the status of claim 21 on appeal and to notify appellant in writing of such status. According to your memorandum of December 8, 2004, you state that "the omission only in the initial statement appears to represent merely an inadvertent omission and not that the rejection of claim 21 has been dropped." In addition, you also indicate that claim 21 is included in "the body of the rejection, at page 6, item 10 of the Examiner's Answer." Although you clarify for the record the status of claim 21, the rejection was still unclear. Furthermore, appellants still have not been notified in writing as to the status of claim 21.

This application is being returned to you for written notification to appellant as to the status of claim 21, and for such further action as may be appropriate.